

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Wednesday, January 11, 2023

MINUTES OF PROCEEDINGS IN Open Court

PRESENT: THE HONORABLE Roderick C. Young, USDJ

Courtroom Deputy: Julie Jones

Law Clerk: Kimberly Quick

Reporter: Tracy Stroh, OCR

Set: 9:30 a.m.	Started: 9:30 a.m.	Ended: 4:26 p.m.
2:21cv169 Nazario v. Gutierrez, et al. (Day 3)		
Appearances: <u>Plaintiff:</u> Jonathan Arthur and Thomas Roberts appeared on behalf of plaintiff. Plaintiff present. <u>Defendants:</u> Jessica Swauger and Coreen Silverman appeared on behalf of defendant Gutierrez. Anne Lahren, Richard Matthews and Bob Samuel appeared on behalf of defendant Crocker. Defendants present.		
Matter came on for continuation of trial by jury.		
Out of the presence of jury, court took bench to deal with administrative matters. Counsel for defendant Crocker made oral motion to allow their use of force expert to remain in courtroom. Counsel for plaintiff heard. Court GRANTED motion.		
All jurors (9) present.		
Plaintiff continued presenting evidence. Objections argued and rulings made. Plaintiff rested.		
Out of presence of the jury, counsel for defendant Gutierrez made an oral motion to strike bystander liability count as to Mr. Gutierrez. Counsel for defendant Crocker made an oral motion to strike three common law counts as to Mr. Crocker. Plaintiff's counsel made oral motion for summary judgment and directed verdict on search counts as to Gutierrez and asked that both defendants' oral motions be denied. Counsel heard regarding oral motions made on the record. For the reasons stated on the record, the Court denied defendants' motions for judgment as a matter of law and denied plaintiff's motions.		
Defendants Gutierrez and Crocker began presentation of evidence. Objections argued and rulings made.		
Jurors excused until 9:15 a.m., on 1/12/2023. Counsel excused until 9:00 a.m., on 1/12/2023.		
Lunch: 12:48 p.m. – 1:51 p.m.		